

**AUCTIONEER BOARD
MADISON, WISCONSIN
MINUTES
AUGUST 26, 2002**

PRESENT: Richard Lust, Carl Theorin (by telephone), Marie Skic, Larry Finley, Mark Shain and Jay Clarke

EXCUSED: David Huebsch

STAFF PRESENT: Cletus Hansen, William Dusso, Pamela Meicher and Katherine Hildebrand

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Richard Lust, Chair. A quorum of six members was present.

AGENDA

MOTION: Mark Shain moved, seconded by Jay Clarke, to adopt the agenda, as published. Motion carried unanimously.

APPROVAL OF JUNE 24, 2002 MINUTES

MOTION: Marie Skic moved, seconded by Larry Finley, to approve the minutes. Motion carried unanimously

ADMINISTRATIVE REPORT

Cletus J. Hansen

ROSTER

Clete Hansen advised the Board that Charles Howden had died and services were held in July for him.

MEETING DATES FOR 2002 AND 2003

The 2002 dates were noted with a reminder of the December 9 meeting. The 2003 meeting dates were approved. The 2003 dates are: January 27 screening only, February 24 meeting and screening, March 24 screening only, April 21 meeting and screening, May 19 screening only, June 23 meeting and screening, July 21 screening only, August 25 meeting and screening, September 22 screening only, October 27 meeting and screening, November 17 screening only and December 8 meeting and screening.

MOTION: Marie Skic moved, seconded by Jay Clarke, to approve the 2003 meeting dates. Motion carried unanimously.

TO-DO LIST

Noted

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board noted there are no reports on Auctioneers.

KATHERINE HILDEBRAND

Clete Hansen introduced Katherine Hildebrand as the Department Information Officer. Ms. Hildebrand will be responsible for the *Open Sessions*, the *Regulatory Digest* and the coordination of the Board Member Workshops.

Katherine discussed the new Board websites, email vs. US mail and stated that she sends the Regulatory Digest to 1300 people that are not licensees of the Department. The Board suggested that maybe fees could be cut if licensees use email instead of US mail.

The Board liked the idea of a web page for each board. Board members believe a web page would be good for the public and licensees, good for rule changes, and easy and simple to use.

Richard Lust and Clete Hansen normally write the Digest articles. Richard would like other Board members to advise him of articles they could share. Katherine Hildebrand would like to hear from Board members with any questions, comments or concerns. Katherine can be reached at (608) 261-4482.

SERVICE AND BUDGET COMMITTEE

Clete Hansen gave an overview of the Service and Budget Committee and identified the 13 main budget issues. Richard Lust is the Auctioneer Board's representative on that committee. The next meeting is scheduled for August 28, 2002.

LEGISLATIVE UPDATE

Clete Hansen spoke about the elimination of temporary licenses. He advised the Board that changes to Chapter 480 require statutory changes. The Department's Legislation Liaison is Myra Shelton.

The Board would like to see temporary licenses eliminated and would like to be able to abbreviate Wisconsin Registered Auctioneer, as a statutory change.

MOTION: Carl Theorin moved, seconded by Jay Clarke, to approve statutory changes to abbreviate Wisconsin Registered Auctioneer and to eliminate temporary licenses. Motion carried unanimously.

ADMINISTRATIVE RULES

Clete Hansen said that Section RL 128.02, the new rule on continuing education will take effect October 1, 2002. Licensees will require 12 continuing education hours for the 2003-2004 biennium.

BIDDING BY SELLERS AND AUCTIONEERS

The Board discussed this issue and noted Bill Dusso's memo, dated June 24, 2002, relating to auctioneers bidding at an absolute auction when notice has been given.

Bill Dusso clarified whether an auctioneer may stop an absolute auction after the first bid is accepted. He said the rule is once you begin with an item or lot and a bid has been made, you cannot stop the bidding. He also advised the Board that you can pull out other goods in an absolute action and you can stop after an item or a lot. You do not have to continue to sell everything. His clarification was based on *Zuhak v. Rose* in 264 Wis 286; 58 N. W. 2d 693.

MOTION: Carl Theorin moved, seconded by Jay Clarke, to not make any rule changes to absolute auction procedures or bidding. Motion carried unanimously.

NATIONAL AUCTIONEER LICENSE LAW OFFICIALS ASSOCIATION, INC.

Wisconsin does belong to the National Auctioneer License Law Officials Association, Inc. (NALLOA). Departments can run disciplinary names and post them in the NALLOA News.

CONTRACT JUMPING

Richard Lust led the discussion on contract jumping in Wisconsin. Richard would like to include contract jumping on the next agenda.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

None

NEW BUSINESS

None

RECESS TO CLOSED SESSION

MOTION: Marie Skic moved, seconded by Jay Clarke, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on case closings and a monitoring case. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Carl Theorin - yes; Jay Clarke - yes; Larry Finley - yes, Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 12:10 p.m.

The Board deliberated on proposed case closings and a monitoring report.

ADJOURN CLOSED SESSION

MOTION: Marie Skic moved, seconded by Mark Shain, to adjourn the Closed Session and to reconvene in Open Session at 12:30 p.m. Motion carried unanimously.

MONITORING

Marlene Meyer provided the information she had received from the attorney of Guarantee Credit Corp.

MOTION: David Huebsch moved, seconded by Marie Skic, to send this case back to DOE and ask for more investigative information in the matter of Guarantee Credit Corp. Motion carried unanimously.

ADJOURNMENT

MOTION: Mark Shain moved, seconded by Marie Skic, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 12:31 p.m.